



3 October 2007

Cllr Obed Mlaba
eThekweni Mayor
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Fax: +27 31 311 2111
Email: mayorspa@durban.gov.za

Dr Michael Sutcliffe
eThekweni City Manager
PO Box 1014
Durban 4000
Tel: + 27 31 311 1100
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Dear Cllr Mlaba and Dr Sutcliffe,

RE: Urgent housing concerns and recent events in Durban

The Centre on Housing Rights and Evictions (COHRE) is an international human rights non-governmental organisation based in Geneva, Switzerland, with offices throughout the world. COHRE has consultative status with the United Nations and Observer Status with the African Commission on Human and Peoples' Rights. COHRE works to promote and protect the right to adequate housing for everyone, everywhere, including preventing or remedying forced evictions. In South Africa, COHRE has been monitoring and researching housing rights issues in Johannesburg, Durban, Pietermaritzburg and Cape Town.

COHRE wishes to express its deep concern at the persistent antagonistic attitude and repressive actions of the authorities towards the legitimate grievances of shack dwellers in the eThekweni Municipality, which are currently being articulated through various organisations, including the shack dwellers' movement, Abahlali baseMjondolo. These organisations' attempts at engagement have been, and continue to be, met with unjust and counterproductive responses from city officials and the South African Police Service (SAPS).

On 28 September 2007, various organisations representing shack dwellers in the eThekweni Municipality marched on the Mayor's office to present a memorandum to the Mayor. According to reliable sources on the scene, including a number of church leaders, the march was legal and peaceful, and no warning was given to disperse before the police attacked. Those who attended sought to publicly present their legitimate demands and concerns to the Mayor regarding a range of housing and land issues, including ongoing forced evictions.

Accra
PMB CT 402
Cantonments Accra
Ghana

Colombo
106 1/1 Horton Place
Colombo 7
Sri Lanka

Duluth
8 N. 2nd Avenue East, Suite 208
Duluth, MN 55802
USA

Melbourne
PO Box 1160
Collingwood, Victoria 3066
Australia

Porto Alegre
Rua Demetrio Ribeiro
990/conj.202, 90010-313
Porto Alegre, RS, Brazil

COHRE is deeply disturbed that police responded to the lawful gathering with an unjustified use of force, using water cannons, rubber bullets and stun grenades to disperse the crowd who had come to deliver the memorandum to the Mayor. COHRE is also concerned about the subsequent arrest by the police of fourteen participants for 'public violence'. The methods used on the day were reminiscent of scenes in pre-1994 South Africa and are universally regarded as totally unacceptable.

The shack dwellers' memorandum presented concerns about housing issues in the eThekweni Municipality, the KwaZulu-Natal Province and the country - concerns which COHRE fully endorses - namely:

- ongoing forced evictions from shacks and farms, including evictions without a court order and without the provision of alternative housing, in violation of the Prevention of Illegal Eviction from and Unlawful Occupation of Land (PIE) Act and the South African Constitution;
- inadequate access to services such as water, sanitation, and electricity, leading to shack fires from flames used for cooking and heating and security concerns for many who go to the toilet at night, particularly for women who risk being raped;
- the deficit in the affordable housing stock, leading to homelessness and overcrowding in shacks; and
- the obstruction of visits to graves of ancestors.

COHRE urges the eThekweni Municipality to become more attentive to shack dwellers' concerns and demands, and for the Municipality to encourage, instead of repress, a democratic process of consultation and cooperation to address land and housing issues in eThekweni.

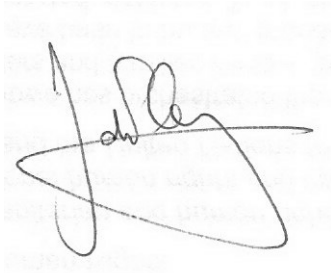
We respectfully suggest that the eThekweni Municipality should urgently meet with community representatives and organisations to discuss the issues at stake and proposals for practical alternatives to current Municipal policies.

Furthermore, COHRE urgently requests the eThekweni Municipality to declare a moratorium on evictions in order to allow calm to return to this situation.

Lastly we urge the eThekweni Municipality to urgently formulate and implement a comprehensive policy to address the dire shortage of adequate housing and to ensure that no persons are made homeless by Municipal policies and actions.

We look forward to your response and to an ongoing dialogue with you on these urgent matters.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jean du Plessis', written over a light grey rectangular background.

Jean du Plessis
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